

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

LAWYERS GUARDIANS AD LITEM WILL HAVE TO COMPLETE AFFIDAVITS STATING THEY'VE MET WITH CHILD-CLIENTS; REQUIREMENT GOES INTO EFFECT ON JANUARY 1, 2004

LANSING, MI, September 30, 2003 – Attorneys who are appointed by courts to represent children in child protection proceedings will have to complete sworn statements that they have met with their child-clients in order to be paid, under new requirements that go into effect on January 1, 2004.

The State Court Administrative Office (SCAO), the administrative agency of the Michigan Supreme Court, recently released forms that apply to lawyer guardians ad litem, known as LGALs. LGALs serve as children's legal advocates in child protection proceedings. A LGAL is required by state law to meet with the child he or she represents before each hearing.

But a recent report by a Supreme Court-convened work group concluded that LGALs often fail to meet with their child-clients. As a result, the children are not properly represented in legal proceedings, the report indicates.

"The issue is accountability," said State Court Administrator John D. Ferry Jr. "We need to ensure that those who are charged with representing children carry out that responsibility as required by law."

SCAO has issued a revised version of form JC 03, entitled "Order Appointing Attorney/Guardian Ad Litem/Lawyer-Guardian Ad Litem." The amended form adds a provision that specifically directs a LGAL to meet with the child. "A lawyer-guardian ad litem appointed to represent the child(ren) must meet with and observe each child before each proceeding or hearing, in a setting suitable to observe the child and assess the child's needs," the form states.

SCAO also released a new form, JC 82, entitled "Affidavit of Service Performed by Lawyer-Guardian Ad Litem." The affidavit, which must be attached to LGALS' payment requests or invoices, states that "I have met with and observed the child before every proceeding or hearing." The LGAL must describe when and where the meetings took place. In addition, the LGAL must state that he or she has reviewed the agency case file and consulted with parents and/or guardians, foster care providers, and case workers.

SCAO form MC 221, entitled “Statement of Service and Order for Payment of Court Appointed Representative,” has been amended to indicate that the LGAL’s affidavit must be attached.

“Completing this affidavit, which is a sworn statement, is a condition of being paid,” said Debra A. Gutierrez-McGuire, who serves as Special Assistant on Foster Care Issues to Chief Justice Maura D. Corrigan. “By law, LGALs were already required to meet with the children they represent. These forms add teeth to that requirement.”

The forms are available on line at <http://www.courts.michigan.gov/scao/courtforms/#pending>.

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